

OFFICIAL COPY

Fresno, California

November 17, 1998

The Council of the City of Fresno met in regular session at the hour of 9:05 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Mike Briggs	Vice President (Absent/out of town)
	Henry Perea	Councilmember (Arrived later)
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Chris Mathys	President (Arrived later)

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

SELECTION OF CHAIRMAN

)

City Clerk Klisch called the meeting to order, took role, and advised in the absence of the Council President and Vice President, a Chairman needed to be selected.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Councilmember Steitz selected Chair, by the following vote:

Ayes	:	Bredefeld, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs, Perea, Mathys

- - - -

Reverend William Nolte, First Baptist Church, gave the invocation. Councilmember Perea arrived at 9:07 a.m.

Councilmember Quintero led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "HECTOR LIZARRAGA DAY" - COUNCILMEMBER
RONQUILLO

)

)

Read and presented.

President Mathys arrived at 9:12 a.m. On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of November 10, 1998, approved, **as amended**, on Page 132-220, Item **5A**, Paragraph 5: adding the word “not”, which was inadvertently left out, as follows: “Councilmember Bredefeld stated no one was questioning the department’s integrity, clarified the proposal would not be in lieu of what the department was currently doing...”; and in Paragraph 6, adding the underlined words as follows: “...the Department directed to continue all aspects of its current notification program, and personally notify all residents...”.

- - - -

Audrey Redmond and “Youth in City Government” students of Carver Academy, shadowing President Mathys and Councilmembers Perea, Quintero and Ronquillo for the day, were recognized and welcomed.

PRESENTATION OF HONOR ROLL AWARDS TO POWERS-GINSBURG)
SOUTH STUDENTS - PRESIDENT MATHYS)

Presented.

PROCLAMATION OF “WORLD AIDS DAY” - COUNCILMEMBER PEREA)

Read and presented.

- - - -

APPROVE AGENDA:

(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-98-18 AND REZONING)
APPLICATION NO. R-98-30, FILED BY DAVID OCHOA, FOR 6.3 ACRES)
LOCATED ON THE NORTHEAST CORNER OF E. BUTLER AND S. CHESTNUT)
AVENUES (**CONTINUE TO DECEMBER 8, 1998, AT 11:00 A.M.**))

(10:30 A.M.) HEARING TO CONSIDER RESOLUTION APPROVING A)
REVISED FREEWAY AGREEMENT WIT THE STATE OF CALIFORNIA)
FOR ROUTE 180 FROM CHESTNUT TO TEMPERANCE AVENUES)
(**CONTINUE TO DECEMBER 8, 1998, AT 10:45 A.M.**))

(5:00 P.M.) CONTINUED HEARING ON TEXT AMENDMENT NO. TA-97-09)
PROPOSING CHANGES TO THE FRESNO MUNICIPAL CODE RELATING)
TO ADVERTISED STRUCTURES (BILLBOARDS))
1. REQUEST TO CONTINUE TO JANUARY 5, 1999, BY MARK RUSSELL,)
LINDSAY OUTDOOR ADVERTISING)

(5:30 P.M.) HEARING REGARDING THE HERNDON AVENUE BIKE PATH)
(COVENTRY COURT) (**CONTINUE TO DECEMBER 8, 1998, AT 5:00 P.M.**))

President Mathys noted there were requests to continue the above four hearings. A motion and second to continue the hearings was acted upon after brief discussion on the 5:00 p.m. item, with Councilmember Bredefeld

expressing his strong opposition and concern with continuing the billboard issue stating all Councilmembers knew their positions, emphasized this would be the fourth time the issue was being delayed, and urged Council to act on the issue this date as scheduled. President Mathys stated he supported the request to continue in the hope that a compromise would be reached. Councilmember Perea stated his support for hearing the issue this date and Councilmember Ronquillo, concurring a decision needed to be made, stated he would support the requested continuance.

On motion of Councilmember Quintero, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Items 10:00 a.m., 10:30 a.m. and 5:30 p.m. continued as noted, and the 5:00 p.m. hearing on billboards continued to 1/5/99, at 5:00 p.m., by the following vote:

Ayes	:	Quintero, Ronquillo, Steitz, Mathys
Noes	:	Bredefeld, Perea
Absent	:	Briggs

(1A-11) AUTHORIZE SUBMITTAL OF A GRANT APPLICATION UNDER THE)
TEA-21 RECREATIONAL TRAILS PROGRAM FOR CONSTRUCTION OF THE)
MACMICHAEL LOOP TRAIL SECTION OF THE SAN JOAQUIN RIVER)
PARKWAY-LEWIS S. EATON TRAIL)

City Clerk Klisch advised the above issue entailed a resolution for adoption which had not been listed. So noted.

(2:00 P.M.) CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:)
2. CALIFORNIA HOUSING COUNCIL V. CITY OF MALIBU (AMICUS CURIAE))
3. PETER MUSTACIOLA V. CITY OF FRESNO)

Removed from the agenda (previously held).

DIRECT STAFF TO SCHEDULE ON THE 12/1/98, AGENDA: "OPPOSITION)
TO PACIFIC BELL'S PROPOSED RATE INCREASES" - COUNCILMEMBER)
BREDEFELD)

Direction made with Councilmember Bredefeld stating the increases would be a major problem for the City of Fresno and for those on fixed-incomes and explained, and President Mathys stated his concern with the effect on seniors and those with vision and hearing impairments.

APPROVAL OF CONTRACT AWARD FOR SELLAND ARENA ADVERTISING;)
DIRECT STAFF TO SCHEDULE ISSUE ON DECEMBER 1, 1998 -)
COUNCILMEMBER PEREA)

Councilmember Perea questioned the purpose of a memorandum just received on the issue, with City Manager Reid stating it should not have been distributed at this time. Councilmember Perea directed the issue be

scheduled on the agenda for 12/1/98, including information on what the RFP process entailed, bidders, and results.

SATELLITE UTILITY DEPARTMENT - DIRECT STAFF TO SCHEDULE ON)
THE 12/1/98, AGENDA - COUNCILMEMBER PEREA)

Councilmember Perea expressed concern funds were budgeted five months ago for a satellite office and nothing was happening, stated he did not support hiring outside contractors for the work, and stated Council needed to decide whether to go with an RFP or open an office as planned, with Controller/Director of Administrative Services Director Souza and (2 - 0) City Manager Reid responding staff had been working on various complicated issues related to the project. Councilmember Perea directed a full report be brought back on December 1st including why the project has not moved forward and the issue of an RFP.

DIRECT STAFF TO SCHEDULE ON 12/1/98, UNDER REDEVELOPMENT:)
“DIRECT AGENCY DIRECTOR TO REPORT BACK ON SPECIFIC)
FINANCIAL DOCUMENTS RELATIVE TO THE KEARNEY PALMS)
SHOPPING CENTER PROJECT” - COUNCILMEMBER STEITZ)

Direction made with Councilmember Steitz expressing his concern stating he did not want a re-enactment of the exhibit hall “fiasco” and that properties should not be purchased until all requested information has been received.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the AGENDA hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

ADOPT CONSENT CALENDAR:

(1B-1) *BILL - AMENDING SECTION 8-125 OF THE FRESNO MUNICIPAL)
CODE RELATING TO EXPOSURE OF MINORS TO TOBACCO PRODUCTS)
(CONSIDERED AGAIN LATER IN THE MEETING))

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above issue, Item 1B-1, scheduled to be heard at 2:30 p.m. this date, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

(1A-1) *RESOLUTION NO. 98-344 - 45TH AMENDMENT TO AAR 98-159)

APPROPRIATING \$1,300 OF DISTRICT 4'S INFRASTRUCTURE CAPITAL)
TO PURCHASE A STORAGE CONTAINER FOR THE CAREY LITTLE)
LEAGUE - COUNCILMEMBER STEITZ)

(1A-2) ADOPT RESOLUTION OF INTENTION NO. 1019-D SETTING A)
PUBLIC HEARING FOR DECEMBER 8, 1998, AT 10:15 A.M. ON THE)
VACATION OF A PORTION OF FRESNO STREET BETWEEN DIVISADERO)
STREET AND ILLINOIS AVENUE)

(1A-3) RESOLUTION NO. 98-345 - DEDICATING CERTAIN CITY-OWNED)
PROPERTY ON THE SOUTH SIDE OF MUSCAT AVENUE EAST OF CEDAR)
AVENUE FOR PUBLIC STREET PURPOSES)

(1A-4) RESOLUTION NO. 98-346 - APPROVING A LICENSE AGREEMENT)
WITH THE VENDO COMPANY FOR THE OPERATION AND MAINTENANCE)
OF MONITORING WELLS AND A GROUNDWATER REMEDIATION SYSTEM)
IN VARIOUS LOCATIONS WITHIN PUBLIC STREET RIGHTS-OF-WAY IN)
TRACT NO. 4637 OVER THE CALCOT PROPERTY BETWEEN HERNDON,)
PALM, NEES AND INGRAM AVENUES; AND AUTHORIZING THE PUBLIC)
WORKS DIRECTOR TO EXECUTE THE LICENSE AGREEMENT ON BEHALF)
OF THE CITY CONDITIONAL UPON PRIOR RECORDATION OF TRACT NO.)
4637)

(1A-5) *RESOLUTION NO. 98-347 - 46TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$128,000 AND APPROVING THE AGREEMENT WITH)
FRESNO COUNTY FOR CONSTRUCTION OF TRAFFIC SIGNAL LIGHTS AT)
THE INTERSECTION OF TULARE AND HELM AVENUES)

President Mathys commended Councilmembers Perea and Quintero for their efforts on the project, and Councilmember Perea thanked Councilmember Quintero.

(1A-6) APPROVE AGREEMENTS, AND ADDENDUM TO THE PURCHASE)
AGREEMENTS, WITH ELEVEN (11) ADJACENT PROPERTY OWNERS FOR)
THE SALE OF SURPLUS PINEDALE SPUR RIGHT-OF-WAY, WEST OF)
FREEWAY 41; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO:)
(1) SIGN THE SALE AGREEMENTS, THE CONDITIONAL ADDENDA TO)
THE AGREEMENTS, THE QUITCLAIM DEEDS, AND ALL OTHER)
DOCUMENTS NECESSARY TO EFFECT THE SALES; AND (2) TO PROCESS)
THE LOT LINE ADJUSTMENT AND INSTRUCT CHICAGO TITLE COMPANY)
TO PROCESS THE ESCROWS AND RECORD ALL DOCUMENTS NECESSARY)
TO MAKE A PUBLIC RECORD OF THE PARCEL BOUNDARIES RESULTING)
FROM THE LOT LINE ADJUSTMENT)

(1A-7) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PARSONS)

BRINCKERHOFF, INC., FOR A BIDDABILITY REVIEW OF BID DOCUMENTS)
 FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL AND)
 CONCOURSE EXPANSION PROJECT, SUBJECT TO APPROVAL FROM THE)
 FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZE THE)
 PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE)
 CITY)

(1A-8) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH)
 STRATESEC INC., FOR THE FRESNO YOSEMITE INTERNATIONAL)
 AIRPORT SECURITY ACCESS CONTROL (FAR PART 107.14) SYSTEM)
 UPGRADE DESIGN REQUIREMENTS SUBJECT TO APPROVAL BY THE)
 FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZE THE)
 PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF)
 THE CITY)

(1A-9) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH REINARD)
 W. BRANDLEY FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT)
 REPLACEMENT OF THE AIRPORTS AIRFIELD GUIDANCE SIGNS SYSTEM)
 AND PAVEMENT MANAGEMENT PLAN UPDATE SUBJECT TO APPROVAL)
 BY THE FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZE)
 THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF)
 OF THE CITY)

(1A-10) APPROVE THE AMENDMENT TO THE PROFESSIONAL SERVICES)
 AGREEMENT WITH DANIEL, MANN, JOHNSON AND MENDENHALL (DMJM)
 KEATING) FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL)
 AIRPORT TERMINAL, CONCOURSE AND BAGGAGE CLAIM EXPANSIONS)
 UNDER FAA AIP GRANT NO. 28, SUBJECT TO APPROVAL BY THE FEDERAL)
 AVIATION ADMINISTRATION; AND AUTHORIZE THE PUBLIC WORKS)
 DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY)

(1A-11) **RESOLUTION NO. 98-348** - APPROVING THE APPLICATION FOR)
 GRANT FUNDS, WITH A 20% LOCAL MATCH, FROM THE RECREATIONAL)
 TRAILS PROGRAM FOR CONSTRUCTION OF THE MACMICHAEL LOOP)
 TRAIL SECTION OF THE SAN JOAQUIN RIVER PARKWAY-LEWIS S. EATON)
 TRAIL; AND AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND)
 COMMUNITY SERVICES TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND)
 SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO, APPLICA-)
 TIONS, AGREEMENTS, AMENDMENTS, PAYMENT REQUESTS, AND SO)
 ON, WHICH MAY BE NECESSARY FOR COMPLETION OF THE PROJECT)

(1A-12) REJECT THE ONE BID RECEIVED FOR REMOVAL, REPLACEMENT)

AND CONVERSION OF UNDERGROUND FUEL STORAGE TANKS BECAUSE)
IT EXCEEDED THE ENGINEER'S ESTIMATE BY 25%; DIRECT STAFF TO)
PROCEED WITH THE ALTERNATIVE METHODS OF TAKING THE UNDER-)
GROUND STORAGE TANKS OUT OF SERVICE TO COMPLY WITH THE)
MANDATED DECEMBER 22, 1998, DEADLINE; AND DIRECT STAFF TO)
REVISE THE SPECIFICATIONS AND REBID THE ACTUAL REMOVAL AND)
REPLACEMENT OF THE UNDERGROUND STORAGE TANKS)

(1A-14) ITEM REMOVED FROM THE AGENDA)

(1A-15) PROPOSED APPOINTMENT OF JEFF A. MELENDEZ TO THE)
ROOSEVELT IMPLEMENTATION COMMITTEE - COUNCILMEMBER)
QUINTERO (FOR INTRODUCTION))

(1A-16) APPROVE REAPPOINTMENT OF PAUL BESSELIEVRE TO THE)
FRESNO WORKFORCE DEVELOPMENT BOARD - COUNCILMEMBER)
BREDEFELD (FOR ADOPTION))

(1A-17) PROPOSED APPOINTMENTS OF PATRICIA LAMONT TO THE)
FRESNO WORKFORCE DEVELOPMENT BOARD, AND SHIRLEY KELLY)
TO THE SOUTHWEST/EDISON CITIZENS PLANNING COMMITTEE -)
COUNCILMEMBER RONQUILLO (FOR INTRODUCTION))

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

Councilmember Ronquillo left the meeting and returned for the afternoon session.

- - - -

(5A) DIRECT THE PARKS AND RECREATION DIRECTOR TO PREPARE)
DOCUMENTATION TO ESTABLISH A COMMUNITY SCIENCE LEARNING)
CENTER TO GRANNY'S PARK, AND FINALIZE COMMITMENTS FROM THE)
CITY TO STABILIZE THE FUNDING FOR THE SCIENCE LEARNING DIRECTOR)
CURRENTLY ASSIGNED TO DICKEY PLAYGROUND; DEVELOP LONG TERM)
STRATEGY TO EXPAND THE SCIENCE LEARNING CENTER INTO OTHER)
PARTS OF THE CITY; AND REPORT BACK TO COUNCIL ON 12/8/98 -)
COUNCILMEMBER PEREA)

Laid over to December 1, 1998, at the direction of Councilmember Perea.

OF, AND ADDITION 2-1622 TO, THE FRESNO MUNICIPAL CODE, RELATING)
TO REGISTRATION FOR SELECTIVE SERVICE)

President Mathys briefly reviewed the issue.

On motion of President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-97 adopted as Ordinance No. 98-89, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Briggs, Ronquillo

- - - -

(5B) DIRECT FEES FOR USE OF THE CITY'S DUNK TANK BE WAIVED FOR)
ALL 501(c)(3) NON PROFIT GROUPS WITH HEADQUARTERS IN THE CITY)
OF FRESNO AND FOR USE WITHIN THE CITY OF FRESNO, AS AMENDED -)
COUNCILMEMBER STEITZ)
1. *RESOLUTION NO. 98-349 - 357TH AMENDMENT TO MFS RES. 80-420 TO)
WAIVE DUNK TANK RENTAL FEES FOR NON-PROFIT ORGANIZATIONS)
MEETING SPECIFIC REQUIREMENTS)

Briefly reviewed by Councilmember Steitz who stated since the fee was waived for one non-profit it should be waived for all, and made a motion to move direction, which was seconded, and subsequently amended and acted upon.

City Manager Reid and Director of Administrative Services Souza responded to Council questions relative to loss of revenues with waived fees, location of/responsibility for delivery/pickup of the tank and charging a fee for same, and insurance requirements, with brief discussion ensuing on precedence-setting and concurrence on need for a fee for city delivery and pickup.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, fees for use of the City's dunk tank hereby waived for all 501(c)(3) non-profit groups with headquarters in the city and for use within the city, **as amended**, (1) establishing a \$100.00 fee to organizations requesting delivery and pick up, and (2) requirement for a certificate of insurance; and the above entitled Resolution No. 98-349 hereby adopted, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Briggs, Ronquillo

- - - -

(5C) PLACE WAIVER OF FEES FOR USE OF SAROYAN THEATRE FOR)
MEMORIAL SERVICES FOR MARGARITA FLORES - COUNCILMEMBERS)
RONQUILLO AND PEREA)
1. *RESOLUTION - 50TH AMENDMENT TO AAR 98-159 APPROPRIATING)
\$1,000 TO FUND THE MARGARITA FLORES MEMORIAL)
(DISCUSSED AGAIN LATER))

Councilmember Perea questioned the loss of revenues if fees are waived and funding source, with Budget Manager Bruney responding and advising the amount was determined to be \$2,500 and not \$1,000 as listed. Councilmember Steitz left the meeting at 10:14 a.m. and returned recess. Councilmember Perea stated the use of the facility would be appropriate as a final gesture to the family and made a motion to approve, which was seconded by President Mathys who stated his support. Noting the absence of three Councilmembers and the need for five affirmative votes to adopt the resolution, the matter was laid over to later in the meeting.

- - - -

(5D) REQUEST CITY ATTORNEY STAFF TO REVIEW OTHER ADOPTED)
CITY TRAIN WHISTLE ORDINANCES AND REPORT BACK WITH)
RECOMMENDATION FOR THE CITY OF FRESNO TO ADOPT - COUNCIL-)
MEMBER RONQUILLO

President Mathys reviewed the issue in Councilmember Ronquillo's absence, noted the biggest complaint received was the blowing of horns, especially in the early and late hours of the day, stated the City needed to work with the railroads on the issue, and questioned the policy. City Attorney Montoy stated her office would assist in working with the railroads, noted many cities did have ordinances which were unenforceable because cities were preempted by state law, and stated she would report back on all options. Councilmember Perea requested the report be in-depth on all train operations including legal remedies and ways to set precedent, with Ms. Montoy stating she would provide a comprehensive report on January 5, 1999.

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY KURT SAINDON, C.H.A.S.E.R.S., RELATING TO MISSING)
CHILDREN)

Mr. Saindon, 1300 Minnewawa, commented on the process for reporting missing children, commended Council on the reward fund, and requested missing persons be reported as a missing "person" and not be categorized as a "child" or "adult" and explained. Brief discussion ensued.

- - - -

The visiting senior class from Mendota High School was recognized and welcomed.

- - - -

RECESS - 10:27 A.M. - 10:51 A.M.

(10:45 A.M.) RESOLUTION NO. 98-343 - NAMING THE STREET IDENTIFIED)
AS AIRPORT TERMINAL ACCESS ROAD EAST AND NORTH OF E. CLINTON)
WAY TO "TERRY COOPER WAY" - MAYOR PATTERSON, AND COUNCIL-)
MEMBERS STEITZ AND BREDEFELD)

Councilmembers Bredefeld, Steitz, and President Mathys expressed their admiration and respect for Mr. Cooper, noted his accomplishments, and stated his untimely death was a tremendous loss to the City and naming a street after him was a solid way to honor one of the City's finest public servants.

Debbie Hunsucker spoke in support of the resolution, and President Mathys called for a moment of silence in memory of Mr. Cooper.

On motion of Councilmember Steitz, seconded by Councilmember Bredefeld, duly carried RESOLVED, the above entitled Resolution No. 98-343 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Briggs, Ronquillo

- - - -

LUNCH RECESS - 11:00 A.M. - 2:21 P.M.

CONTESTED CONSENT CALENDAR ITEMS:

(1A-13) *RESOLUTION - 4TH AMENDMENT TO SALARY RES. 98-161)
ESTABLISHING TWO NEW CLASSES: REDEVELOPMENT PLANNING)
SUPERVISOR AND REDEVELOPMENT PROJECT PLANNER)

Sandra Brock, representing Development Department Planners who belong to FCEA, submitted written handouts, copies of which are on file in the office of the City Clerk, **(3 - 0)** and spoke in opposition to establishment of the new classes.

Agency Director Fitzpatrick responded to the issue stating the expertise and knowledge gained by the current employees in redevelopment law and planning, along with the RDA staff being separate from the City, were the justification for retitling the classes and elaborated. Ms. Brock stated the issue was not about knowledge gained but about creating special titles to protect current RDA management employees from being bumped due to lay-offs adding this was unfair and had never been done before in civil service, and responded to Council questions relative to ranking and consequences of leaving the issue the way it currently was. President Mathys made a motion to leave the issue status quo, with no second received.

Mr. Fitzpatrick and Human Resources Manager Kirschner responded to questions of Councilmember Ronquillo relative to justification for the change in titles, whereupon Councilmember Ronquillo made a motion to adopt the resolution, which was acted upon after additional discussion.

Ken Atkins, representing the City of Fresno Professional Employees Association (CFPEA), commented on the issue and recommended the affected seven positions in the Development Department be “Y” rated and explained, with Mr. Kirschner stating Y-rating was not an option for reduction in force situations and explained. At this point, Councilmember Steitz seconded Councilmember Ronquillo’s motion.

Councilmember Perea stated the issue was not about specialized expertise but about protecting certain employees from layoffs and was an equity issue; and Councilmember Ronquillo emphasized the Redevelopment Agency was a separate entity and clarified the Agency Director was in support of the change to retain the expertise gained over the past two years.

A motion of Councilmember Ronquillo, seconded by Councilmember Steitz, to adopt the above entitled Resolution failed, by the following vote:

Ayes	:	Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Quintero, Mathys
Absent	:	Briggs

- - - -

(1B-1) *BILL - AMENDING SECTION 8-125 OF THE FRESNO MUNICIPAL)
CODE RELATING TO EXPOSURE OF MINORS TO TOBACCO PRODUCTS)

Councilmember Bredefeld reviewed the issue and advised there was significant concern with the ordinance from business owners who supported a level playing field. Councilmember Ronquillo briefly left the meeting at 2:51 p.m.

J.P. Sethi stated he opposed the proposed bill because: (1) it would give tobacco speciality stores special treatment which would take away fair business competition from all other stores, and (2) there was no provision to cite minors caught in the possession of tobacco products, as they requested.

City Attorney Montoy clarified although prior Council direction was to give special consideration to speciality tobacco stores, they were being included as she did not believe there would be a reasonable basis to prevail in court if challenged and added speciality stores should be included if the intent was to have a level playing field.

Discussion ensued on minors being prohibited from entering speciality stores, enforcement of same, original intent and prior direction given, and provisions in the ordinance brought back. Councilmember Steitz expressed his concern with the ordinance as presented stating it would hurt businesses and he would not support it.

Upon question of Councilmember Quintero, an employee with the Fresno County Human Services System, Tobacco Prevention Program, stated the proposal and intent of the Students Working Against Tobacco (SWAT) was to keep tobacco self-service displays out of the reach and away from minors, with Councilmember Quintero stating his support. Councilmember Ronquillo returned to the meeting at 3:02 p.m. Brief discussion ensued.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the issue tabled to December 1, 1998, to allow Councilmembers Perea and Bredefeld to meet further with business owners on concerns/issues expressed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

(1B-2) BILL - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE)
RELATING TO SEWAGE AND WATER DISPOSAL)

Acting Public Utilities Director Anderson and Judy Tapia responded to questions of Councilmember Steitz relative to fiscal impact, if any, reasons for the proposed amendments, and penalties for draining swimming pools.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled Bill No. B-103 introduced before the Council and laid over, and Bill No. B-98 withdrawn, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

(5C) PLACE WAIVER OF FEES FOR USE OF SAROYAN THEATRE FOR)
MEMORIAL SERVICES FOR MARGARITA FLORES - COUNCILMEMBERS)
RONQUILLO AND PEREA)
1. *RESOLUTION - 50TH AMENDMENT TO AAR 98-159 APPROPRIATING)
\$1,000 TO FUND THE MARGARITA FLORES MEMORIAL)
(CONTINUED FROM EARLIER IN THE MEETING))

Councilmember Ronquillo advised Cornerstone Church, which could hold up to 1,600 people, had offered their facility free of charge and withdrew his request.

- - - -

EMERGENCY ADD-ON:

RESOLUTION NO. 98-350 - DECLARING AN URGENT NECESSITY FOR)
THE PRESERVATION OF LIFE, HEALTH, OR PROSPERITY, WAIVING)
COMPETITIVE BIDDING REQUIREMENTS, AND AUTHORIZING THE)
PURCHASING MANAGER TO PURCHASE TWO HEAT RECOVERY BOILERS)
FOR THE WASTEWATER TREATMENT PLANT)

(4 - 0) City Manager Reid briefly reviewed the urgent need to purchase the boilers and City Attorney Montoy advised of the findings necessary to take action.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding is hereby made that an emergency exists as defined under the Brown Act which would severely impair public health and safety, and the above entitled Resolution No. 98-350 hereby adopted, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY ERIC JOHNSON, REPRESENTING PACIFIC BELL,)
RELATING TO PROPOSED RATE INCREASES)

Mr. Johnson clarified the proposed rate increases and exemptions emphasizing the increases were necessary to cover the cost of business, commented on the competitiveness of the industry and different market, and added they did not see this as a huge issue with seniors. Brief discussion ensued on the importance of a public outreach program on the increases and to those who qualify for exemptions, range of increases, and phone book on the Internet.

- - - -

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY)

The Council met in joint session with the Redevelopment Agency at the hour of 3:19 p.m. in the Council Chamber, City Hal.

APPROVE AGENCY MINUTES OF NOVEMBER 17, 1998)

On motion of President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of November 17, 1998, approved as submitted.

(“A”) **RESOLUTION NO. 98-351** - DETERMINING THE COMPOSITION OF,)
AND DIRECTING THE FORMATION OF, A PROJECT AREA COMMITTEE)
FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOP-)
MENT PROJECT AREA (COUNCIL ACTION))

A motion and second to adopt the resolution was acted upon after brief discussion. Director Fitzpatrick responded to Council questions relative to composition of the project area committee, requirements to serve on the PAC, setting up an advisory committee, and consequences if PAC tenant members moved.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 98-351 hereby adopted by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

(“B”) *UPON RECEIPT OF DONATION OF PARCEL OF LAND AND)
IMPROVEMENTS ON WHICH THE BNSF DEPOT BUILDING (KNOWN AS)
THE SANTA FE DEPOT) IS LOCATED (IN ACCORDANCE WITH AGREE-)
MENT APPROVED BY COUNCIL ON 11/10/98), AND UPON MEETING)
ALL LEGAL REQUIREMENTS FOR SALE OF CITY PROPERTY, THE CITY)
SHALL SELL SAID PARCEL OF LAND AND IMPROVEMENTS TO THE)
REDEVELOPMENT AGENCY FOR \$1.00, **AS AMENDED** (COUNCIL ACTION))

Chair Ronquillo briefly reviewed the issue stating it evolved from recent negotiations with BNSF and called for transfer of property to the Agency. President Mathys noted this was a very historical building which the railroad agreed to deed to the City at no compensation, commented on the historical aspect of the building emphasizing he wanted it preserved, and stated the Historic Society should be involved, with Chair Ronquillo concurring.

City Manager Reid recommended amendments to the motion relative to transfer of the asset and contacting the Historical Society if Council decides to move in the direction of outside third party developers and explained.

On motion of President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, upon receipt of donation of the parcel of land and improvements on which the BNSF depot building (known as the Santa Fe Depot) is located, and upon meeting all legal requirements for sale of City property, the City shall sell said parcel of land and improvements to the Redevelopment Agency for \$1.00; and in addition, (1) staff directed to further negotiate with the railroad to allow the Agency to receive direct title to the land and improvements thus not mandating the title flow through the City; and (2) staff directed to contact the Historical Society prior to moving in the direction of outside third party developers, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

(“C”) AUTHORIZE REDEVELOPMENT AGENCY STAFF TO CONDUCT)
ALL REVIEWS AND PREPARE ALL DOCUMENTS NECESSARY FOR THE)
PURCHASE OF A PARCEL OF LAND AND IMPROVEMENTS ON WHICH)
THE BNSF DEPOT BUILDING (KNOWN AS SANTA FE DEPOT) IS LOCATED)
FROM THE CITY OF FRESNO FOR THE SUM OF \$1.00 FOR PURPOSES OF)
REDEVELOPMENT, **AS AMENDED** (AGENCY ACTION))

President Mathys directed the same added language in the motion for Item “B” be added to this item, and Chair Ronquillo added language directing the Agency to work collaboratively with the Historical Society for the restoration and adaptive reuse of the nationally registered property. President Mathys emphasized he wanted to make sure the City could not enter into a third-party agreement without the Historical Society’s approval or sign-off. Brief discussion ensued with Director Fitzpatrick stating staff would accept all comments as direction, and stated he would report back with specific language on a process to work in a cooperative manner with everyone involved.

Z. Smith, Historical Society, stressed the importance of preserving the building and urged the Society be allowed to be imminently involved in the ownership and restoration aspects.

Brief discussion ensued on preserving the integrity of the building, utilization by a private business, and design of the new depot and compatibility with the surrounding area.

On motion of Chair Ronquillo, seconded by President Mathys, duly carried, RESOLVED, Agency staff directed to conduct all reviews and prepare all documents necessary for the purchase of a parcel of land and improvements on which the BNSF depot building (known as the Santa Fe Depot) is located from the City of Fresno for a sum of \$1.00 for purposes of redevelopment; and in addition: (1) staff directed to further negotiate with the railroad to allow the Agency to receive direct title to the land and improvements thus not mandating the title flow through the City; and (2) the Historical Society authorized to approve the plans and specifications to preserve the historical integrity in any adaptive reuse, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

(“D”) DIRECT REDEVELOPMENT AGENCY AND CITY STAFF TO)
NEGOTIATE AN OPTION FOR RAILROAD PROPERTY BETWEEN TULARE)
AND VENTURA STREETS AT A PER SQUARE FOOT SALES PRICE AND)
REPORT BACK TO THE COUNCIL/AGENCY - CHAIR RONQUILLO)

Briefly reviewed by Chair Ronquillo who stated the subject property was not part of the recent agreement with the railroad.

On motion of Chair Ronquillo, seconded by President Mathys, duly carried, RESOLVED, Agency and City staff directed to negotiate an option for railroad property between Tulare and Ventura Streets at a per square foot sales price and report back, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

DOWNTOWN STADIUM - COUNCILMEMBER PEREA (NOT ON THE AGENDA))
(DISCUSSED AGAIN LATER))

Upon question of Councilmember Perea, City Attorney Montoy stated she had met with Mr. Shekoyan the past week and he was anticipating submitting the revised proposal from the Diamond Group to the City on 11/18/98. Councilmember Perea reiterated he did not want the City to be rushed, and Ms. Montoy requested Council direction. By Council consensus, discussion was continued to later in the meeting.

(“E”) REPORT AND RECEIVE DIRECTION FROM THE AGENCY BOARD)
 RELATIVE TO A REQUEST FOR QUALIFICATIONS (RFQ) FROM POTENTIAL)
 DEVELOPERS FOR A MIXED-USE MULTIPLEX THEATER COMPLEX IN)
 THE DOWNTOWN AREA)

Agency Director Fitzpatrick reviewed the staff report as submitted. Chair Ronquillo commented on his experience with the Uptown Committee and stated his support for the project.

City Manager Reid commended Mr. Fitzpatrick on the proposal; stated a multiplex theater would be a great addition to downtown and the provision for city-owned property would be a fine contribution to the project; stated he felt a policy direction up-front stating the City’s contribution to the project would be limited to the property only and not City general funds for a redevelopment project was necessary; and requested amendments to Pages 3 and 6 of the RFQ relative to site options and financial resources. **(5 - 0)**

Chair Ronquillo urged Council to keep an open mind emphasizing tax revenues would be generated and this was an attempt to encourage enterprise. President Mathys stated his support emphasizing downtown had been lacking and the only way to turn it around would be a big magnet and a movie theater would be it. A motion and second to approve staff’s recommendation was acted upon after additional discussion.

Councilmember Steitz stated this was a great idea but not the way to go at this time, and recommended a study be conducted on all downtown issues and projects, including parking, and open up the site to any development. Brief discussion ensued with Mr. Fitzpatrick responding to questions on incentives, past interest and new interest in the project, and the success of Edwards Theaters.

Councilmember Perea stated his concern at this time was this would be one more piece to a lot of pieces that were not connecting, cited the lack of a downtown plan and stressed a master plan was needed, and commented on the need to direct resources to other areas of the city. Chair Ronquillo emphasized a plan was in existence for the subject area. Mr. Fitzpatrick stated the issue involved an RFQ, not an RFP, which would determine whether expressed interest could turn into reality.

Upon question, Brent Weiner, Downtown Association, stated his support for the issue and project.

Councilmember Bredefeld expressed his support and upon question, Mr. Fitzpatrick responded there would be no cost or obligation with the requested action this date. Brief discussion ensued on the city's participation and obligations, the parking issue, and opening up the site to any development. Mr. Fitzpatrick briefly commented on the substitute motion and emphasized the multiplex theater use had been a part of the plan for the area since 1989.

A substitute motion of Councilmember Steitz, seconded by Councilmember Perea, to direct the Agency Director to return with a proposal to open the 5-acre site to any development and further master plan the area failed, by the following vote:

Ayes	:	Perea, Steitz
Noes	:	Bredefeld, Mathys, Quintero, Ronquillo
Absent	:	Briggs

On motion of Councilmember Ronquillo, seconded by President Mathys, duly carried, RESOLVED, the Agency Executive Director directed to issue a RFQ for the solicitation of potential developers for a mixed-use multiplex theater complex in the downtown area, as amended, on Pages 3 and 6 of the RFQ eliminating the City relative to site options (parking) and financial resources (bonding), by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo
Noes	:	Perea
Absent	:	Briggs
Abstain	:	Steitz

CONTINUED DISCUSSION ON THE DOWNTOWN STADIUM)

Councilmember Perea continued with his earlier comments and reiterated he did not want the City to be rushed once the proposal was received, directed the City remain in 2nd position and meet all security requirements, and requested a copy of the feasibility study. City Attorney Montoy stated a report would be brought back on December 1st if staff and the consultants were in agreement, and requested Council direction. Councilmember Steitz stated he concurred with Councilmember Perea stating even if the report was brought back on the 8th or 15th it should not matter. Councilmember Ronquillo stated he was willing to meet anytime (**6 - 0**) or hold a special meeting, and concurred he did not want an 11th hour deal presented. President Mathys stated Council owed the community a decision before the end of the year, and Councilmember Bredefeld stated he concurred with Councilmembers Perea and Steitz and stressed he hoped the proposal would be what Council approved back in May.

- - - -

The joint bodies adjourned at 4:46 p.m.

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:)
1. LORAN V. CITY OF FRESNO, ET AL)
4. SIERRA CLUB V. SAN JOAQUIN LAFCO (AMICUS CURIAE))

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT)
EXPOSURE TO LITIGATION - CLAIM OF DOROTHY A. HALEY)

The Council met in closed session in Room 2125 at the hour of 4:50 p.m. to consider the above issues and adjourned thereafter.

- - - -

ADJOURNMENT)

There being no further business to bring before the Council and hearing no objections, President Mathys declared the meeting adjourned.

DATED this _____ day of _____, 1998.

Chris Mathys, President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk